
**BZA-1902
OXBEN PARTNERS
Variance**

**STAFF REPORT
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REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner, represented by attorney Daniel Teder, is requesting a variance to permit zero commercial parking spaces instead of the required 107 (assuming the most intense parking requirement of 1 per 100 sq. ft. of gross floor area) in order to expand commercial activity in the remaining vacant areas of an existing historic building. The Southworth Building is located in Chauncey Village at 310 W State Street, West Lafayette, Wabash 19 (NE) 23-4. (UZO 4-6-3)

AREA ZONING PATTERNS:

Located in the heart of Chauncey Village, the subject property and all adjacent properties are zoned CBW. A mix of CBW and planned development zones surround the site. On December 7, 2011 the ABZA approved a variance (BZA-1842) on this building's ground floor which eliminated the 24 required parking spaces for an eating and drinking establishment.

AREA LAND USE PATTERNS:

As the central business district for West Lafayette, the development pattern of Chauncey Village is consistent with a dense, mixed-use, urban environment. The existing historic structure on the subject property, originally built in the late 1800's, is presently used commercially and is intended to remain so.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

This site is served by city sewer and Indiana-American water.

TRAFFIC AND TRANSPORTATION:

State Street is classified as a primary arterial according to the *Thoroughfare Plan* and this downtown section in particular is heavily travelled by vehicles, bicyclists and pedestrians. Required parking for the CBW zone is at a rate of 1 space / 200 square feet of gross floor area for a retail use and 1 space / 100 square feet of gross floor area for an eating and drinking establishment. In the most extreme parking scenario, if the entire building's square footage were to contain dining uses, the maximum number of required parking spaces would be 131. As the property is completely built out, it is impossible even to accommodate a single parking space let alone 131 spaces; hence, the need for this variance request.

STAFF COMMENTS:

Built in the late 1800's, the historic Southworth Building is incapable of supplying any required off-street parking on-site. The lot on which it sits has been completely built out since its original construction and unless the building was to be partially or completely demolished this situation will remain unchanged for the foreseeable future. This variance petition simply legitimizes the reality of this building's constraints and allows the building to continue to be utilized commercially as it has been for over 100 years.

The CBW zone in West Lafayette, unlike the CB zone in downtown Lafayette, imposes a suburban-style parking standard with respect to commercial uses. Historic areas like Chauncey Village will, with few exceptions, never be able to comply with these requirements as many of the historic buildings found there were constructed before the age of the automobile. APC and city staff supported and promoted changes to CBW zoning in 2011 that would have removed the need for variances in cases such as this one. Though the proposed ordinance failed to pass at the city council, the problem of suburban standards in urban areas remains and forces all redevelopment or reuse proposals in Chauncey Village to either seek variances or employ planned development zoning.

To remain an economically competitive and attractive place to invest and redevelop, the City of West Lafayette must abandon the antiquated zoning requirements in its downtown which are presently holding it back. Staff will continue to encourage city officials to embrace a more urban vision for Chauncey Village and have that vision be reflected in both policy and code. The market's urbanizing trend in this area is well established and, in the many variance and planned development petitions that have been approved over the years in Chauncey Village, the ABZA and City Council have largely embraced and shaped these market forces into the emerging urban center seen today. To set the city on a more sustainable economic development trajectory the City Council should take the positive experiences of these piecemeal-planning efforts and form them into a coherent policy that is enforced by an equally coherent code. To that end, staff remains ready to serve when called upon, but until such time the need for variances and planned developments in Chauncey Village will remain.

Regarding the ballot items:

1. The Area Plan Commission on April 16, 2014 determined that the variance requested **IS NOT** a use variance.

And it is staff's opinion that:

2. Granting this variance **WILL NOT** be injurious to the public health, safety, and general welfare of the community. Set in the pedestrian environment of the Village, the building will continue to be utilized commercially as it has been for many years without incident.
3. Use and value of the area adjacent to the property included in the variance request **WILL NOT** be affected in a substantially adverse manner. Continuing the

commercial nature of the building supports a lively historic downtown environment, which benefits all the other surrounding businesses by the increased foot traffic as well as the vehicular traffic which presently has free public parking opportunities located in the Grant Street Garage and the public library garage on weekends and after 5pm on weekdays.

4. The terms of the zoning ordinance are being applied to a situation that **IS NOT** common to other properties in the same zoning district. While the other historic buildings in the Village's CBW zone do share similar parking constraints, the other more suburban CBW properties outside of the Village do not. The Village is a unique urban environment and the historic structures found within it have little in common architecturally with their suburban-styled, automobile-oriented, more recently constructed CBW neighbors like the Chauncey Hill Mall across State Street.
5. Strict application of the terms of the zoning ordinance **WILL** result in an unusual or unnecessary hardship as defined in the zoning ordinance. Given the constraints of this historic structure, application of the zoning ordinance imposes a parking standard hostile to maintaining a lively, pedestrian oriented historic downtown environment.

Note: Questions 5a. and 5b. need only be answered if a hardship is found in Question 5 above.

5a. The hardship involved **IS NOT** self-imposed or solely based on a perceived reduction of or restriction on economic gain. As currently written, the UZO does not support the continued use of historic urban commercial structures. The variance is necessary to allow the historic building to continue to be utilized commercially.

5b. The variance sought **DOES** provide only the minimum relief needed to alleviate the hardship. Eliminating the parking requirement legitimizes this historic building's continued usefulness as a commercial building.

STAFF RECOMMENDATION:

Approval